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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL WAYNE PICKERING,

Defendant.

NO.

CR20-5005 BHS

INFORMATION

(FELONY)

The United States Attorney charges that:

COUNT 1

**(Conspiracy to Commit Theft Within the Special Maritime
and Territorial Jurisdiction of the United States)**

A. The Conspiracy

1. Beginning at a time unknown, but no later than March 28, 2019, and continuing through at least April 29, 2019, in Olympic National Park, Olympic National Forest, and Mount Rainier National Park, within the Western District of Washington, and elsewhere, defendant MICHAEL WAYNE PICKERING, together with Co-Conspirator 1, did knowingly conspire, confederate and agree, together and with each other, to take and carry away the personal property of another, with such property having a value in excess of \$1,000, with the intent to steal and purloin such property, and thereby commit the offense of Theft Within the Special Maritime and Territorial Jurisdiction of the United States in violation of Title 18, United States Code, Section 661.

1 2. The object of the conspiracy was to locate unattended vehicles in parking
2 areas at trailheads, secretly break into and steal from those vehicles the personal property
3 of the vehicles' drivers and passengers, and then either keep the stolen property or resell
4 it to others.

5 **B. Manner and Means**

6 3. It was part of the conspiracy that PICKERING and Co-Conspirator 1
7 traveled to trailheads and parking areas within Olympic National Park, Olympic National
8 Forest, and Mount Rainier National Park, in their vehicle. PICKERING and Co-
9 Conspirator 1 selected remote trailheads and parking areas to reduce the likelihood of
10 detection. PICKERING and Co-Conspirator 1 typically traveled to these areas late at
11 night or early in the morning, when vehicles parked in those areas were likely to be
12 unattended.

13 4. PICKERING and Co-Conspirator 1 would then identify vehicles with
14 potentially valuable personal property inside. Once the target vehicles had been selected,
15 PICKERING and Co-Conspirator 1 would use a window punch or other means to break
16 the window of the vehicles, allowing them access to the vehicles.

17 5. Once inside the vehicles, PICKERING and Co-Conspirator 1 would take
18 and carry away the personal property within the vehicles. The personal property included
19 the vehicle occupants' hiking gear, electronics, clothing, and personal effects such as
20 diaries, books, or toiletries.

21 6. PICKERING and Co-Conspirator 1 would then transport the personal
22 property they had stolen away from the trailheads and parking areas in their shared car.
23 PICKERING and Co-Conspirator 1 would store that personal property, either within their
24 car or at their shared residence, for their use or later resale.

25 **C. Overt Acts**

26 7. In furtherance of the conspiracy, and to accomplish one or more of its
27 objects, PICKERING and Co-Conspirator 1 caused to be committed one or more of the
28 following overt acts in the Western District of Washington:

1 a. On or about March 28, 2019, PICKERING and Co-Conspirator 1
2 drove to the Graves Creek Trailhead within Olympic National Park and broke into two
3 vehicles. PICKERING and Co-Conspirator 1 stole and took away the personal property
4 of the two vehicles' occupants, and the value of that personal property was at least
5 \$1,000.

6 b. On or about March 28, 2019, PICKERING and Co-Conspirator 1
7 drove to the Fletcher Canyon Trailhead within the Olympic National Forest and broke
8 into one vehicle. PICKERING and Co-Conspirator 1 stole and took away the personal
9 property of the vehicle's occupants, and the value of that personal property was at least
10 \$1,000.

11 c. On or about April 5, 2019, PICKERING and Co-Conspirator 1 drove
12 to the Graves Creek Trailhead within Olympic National Park and broke into two vehicles.
13 PICKERING and Co-Conspirator 1 stole and took away the personal property of the two
14 vehicles' occupants.

15 d. On or about April 5, 2019, PICKERING and Co-Conspirator 1 drove
16 to the Fletcher Canyon Trailhead within the Olympic National Forest and broke into one
17 vehicle. PICKERING and Co-Conspirator 1 stole and took away the personal property of
18 the vehicle's occupants, and the value of that personal property was at least \$1,000.

19 e. On or about April 13, 2019, PICKERING and Co-Conspirator 1
20 drove to the area around Lena Lake within the Olympic National Forest and broke into
21 three vehicles. PICKERING and Co-Conspirator 1 stole and took away the personal
22 property of the three vehicles' occupants.

23 f. On or about April 15, 2019, PICKERING and Co-Conspirator 1
24 drove to the Hoh Rainforest Visitor Center parking lot within Olympic National Park and
25 broke into two vehicles. PICKERING and Co-Conspirator 1 stole and took away the
26 personal property of the two vehicles' occupants, and the value of that personal property
27 was at least \$1,000.

28 g. On or about April 16, 2019, PICKERING and Co-Conspirator 1
29 drove to the Third Beach parking lot within Olympic National Park and broke into four
30 vehicles. PICKERING and Co-Conspirator 1 stole and took away the personal property
31 of the four vehicles' occupants, and the value of that personal property was at least
32 \$1,000.

33 h. On or about April 21, 2019, PICKERING and Co-Conspirator 1
34 drove to the Paradise parking area within Mount Rainier National Park and broke into six
35 vehicles. PICKERING and Co-Conspirator 1 stole and took away the personal property
36 of the six vehicles' occupants, and the value of that personal property was at least \$1,000.

1 i. On or about April 29, 2019, PICKERING and Co-Conspirator 1
 2 drove to the Graves Creek Trailhead within Olympic National Park and broke into four
 3 vehicles. PICKERING and Co-Conspirator 1 stole and took away the personal property
 4 of the four vehicles' occupants, and the value of that personal property was at least
 \$1,000.

5 All in violation of Title 18, United States Code, Section 371.

6 COUNT 2

7 (Conspiracy to Commit Access Device Fraud)

8 **B. The Conspiracy**

9 8. Beginning at a time unknown, but no later than March 28, 2019, and
 10 continuing through at least April 29, 2019, within the Western District of Washington,
 11 and elsewhere, defendant MICHAEL WAYNE PICKERING and Co-Conspirator 1 did
 12 knowingly conspire, confederate and agree, together and with each other, to knowingly
 13 and with intent to defraud effect transactions with access devices issued to other persons,
 14 to obtain money or property valued in excess of \$1,000, from on or about May 1, 2018,
 15 and ending on or about May 1, 2019, said conduct affecting interstate and foreign
 16 commerce, and thereby commit the offense of Access Device Fraud in violation of Title
 18, United States Code, Section 1029(a)(5).

17 9. The object of the conspiracy was to locate unattended vehicles in parking
 18 areas at trailheads, secretly break into and steal the access devices of the vehicles' drivers
 19 and passengers, and then use those access devices to withdraw funds or, at retail
 20 locations, to purchase merchandise and gift cards valued in excess of \$1,000.

21 **B. Manner and Means**

22 10. It was part of the conspiracy that PICKERING and Co-Conspirator 1
 23 traveled to trailheads and parking areas within Olympic National Park, Olympic National
 24 Forest, and Mount Rainier National Park, in their vehicle. PICKERING and Co-
 25 Conspirator 1 selected remote trailheads and parking areas to reduce the likelihood of
 26 detection. PICKERING and Co-Conspirator 1 typically traveled to these areas late at
 27 night or early in the morning, when vehicles parked in those areas were likely to be
 28 unattended.

11. Once the target vehicles had been selected, PICKERING and Co-Conspirator 1 would use a window punch or other means to break the window of the vehicles, allowing them access to the vehicles.

12. Once inside the vehicles, PICKERING and Co-Conspirator 1 would take and carry away access devices, including credit cards and debit cards, found within the vehicles. Those access devices were issued to other persons, the drivers and passengers of the vehicles, as PICKERING well knew.

13. PICKERING and Co-Conspirator 1 would then use or attempt to use the stolen access devices to withdraw funds in excess of \$1,000 or, to purchase, at local retail establishments, retail merchandise and gift cards valued (in the aggregate) in excess of \$1,000.

C. Overt Acts in Furtherance

14. In furtherance of the conspiracy, and to accomplish one or more of its objects, PICKERING and Co-Conspirator 1 caused to be committed one or more of the following overt acts in the Western District of Washington:

a. On or about March 28, 2019, PICKERING and Co-Conspirator 1 drove to the Graves Creek Trailhead within Olympic National Park and broke into two vehicles. From one of the vehicles, PICKERING and Co-Conspirator 1 stole one access device, a debit card ending in 9300, and attempted to use that access device to withdraw \$700 at an ATM machine.

b. On or about April 5, 2019, PICKERING and Co-Conspirator 1 drove to the Fletcher Canyon Trailhead within the Olympic National Forest and broke into one vehicle. From that vehicle, PICKERING and Co-Conspirator 1 stole one access device, a debit card ending in 0227, and attempted to use that access device to purchase \$271.21 in retail merchandise.

c. On or about April 13, 2019, PICKERING and Co-Conspirator 1 drove to the area around Lena Lake within the Olympic National Forest and broke into three vehicles. From one of the vehicles, PICKERING and Co-Conspirator 1 stole five access devices, credit cards ending in 0399, 5152, 0158, and 4574, and a debit card ending in 6062, and used or attempted to use those access devices to purchase over \$1,000 in merchandise and gift cards.

1 d. On or about April 16, 2019, PICKERING and Co-Conspirator 1
 2 drove to the Third Beach parking lot within Olympic National Park and broke into four
 3 vehicles. From one of the vehicles, PICKERING and Co-Conspirator 1 stole two access
 4 devices, credit cards ending in 9831 and 0820, and used or attempted to use those access
 5 devices to purchase over \$1,000 in merchandise and gift cards.

6 e. On or about April 21, 2019, PICKERING and Co-Conspirator 1
 7 drove to the Paradise parking area within Mount Rainier National Park and broke into six
 8 vehicles. From the vehicles, PICKERING and Co-Conspirator 1 stole seven access
 9 devices, credit or debit cards ending in 0501, 1268, 0432, 5534, 6870, 1000, and 1001,
 10 and used or attempted to use those access devices to purchase over \$1,000 in
 11 merchandise and gift cards.

12 All in violation of Title 18, United States Code, Section 1029(b)(2).

13 **COUNT 3**
 14 **(Aggravated Identity Theft)**

15 15. On or about April 13, 2019, in the city of Olympia, Washington, within the
 16 Western District of Washington and elsewhere, defendant MICHAEL WAYNE
 17 PICKERING did knowingly use, and aid and abet the use of, without lawful authority, a
 18 means of identification of another person, including the signature and name of K.M. and
 19 J.M., real persons, during and in relation to a felony violation enumerated in 18 U.S.C. §
 20 1028A(c), to wit Access Device Fraud in violation of Title 18, United States Code,
 21 Section 1029(a)(5), knowing that the means of identification belonged to other actual
 22 persons.

23 All in violation of Title 18, United States Code, Section 1028A(a)(1) and Section

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FORFEITURE ALLEGATIONS

The allegations in Count 2 of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(2)(B) and Title 18, United States Code, Section 1029(c)(1)(C).

Upon conviction of the felony offense charged in Count 2 of this Information, defendant MICHAEL WAYNE PICKERING shall forfeit to the United States any property constituting, or derived from, any proceeds he obtained as a result of the offense, as well as any property he used, or intended to use, to commit, or to facilitate the commission of, the offense. This property includes, but is not limited to, sums of money representing the proceeds the defendant obtained as a result of the offense.

Substitute Property. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been diminished in value; or,
- e. has been commingled with other property which cannot be divided without difficulty,

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1 it is the intent of the United States to seek the forfeiture of any other property of the
2 defendant up to the value of the above-described forfeitable property pursuant to Title 21,
3 United States Code, Section 853(p).

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5 DATED this 10 day of January, 2020.

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8 
BRIAN T. MORAN
United States Attorney

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11 
KATHERYN K. FRIERSON
Assistant United States Attorney

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13
14 
WILLIAM DREHER
Assistant United States Attorney